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6 **UNITED STATES DISTRICT COURT**
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8 **DISTRICT OF NEVADA**

9 JOSEPH JOHN CRISCI,

10 Petitioner,

11 vs.

12 WILLIAM DONAT, *et al.*,

13 Respondents.

} 3:08-cv-0002-BES-VPC

} ORDER

14 Petitioner submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254
15 on January 2, 2008, but he failed to simultaneously submit either a motion for leave to proceed
16 *in forma pauperis* or payment of the \$5.00 filing fee. (Docket #1). By order filed January 9,
17 2008, this Court sent petitioner the correct form to file a motion for leave to proceed *in forma*
18 *pauperis*. Plaintiff was directed to either file a completed *in forma pauperis* motion, or
19 alternatively, to pay the \$5.00 filing fee within 30 days. (Docket #3).

20 Petitioner was advised that this action would be dismissed unless he complied with the
21 Court's order. (Docket #3). The order of January 9, 2008, was apparently delivered to
22 petitioner; it was not returned undelivered. Petitioner has not responded to the order. More
23 than the allotted time has elapsed -- in fact, well over 3 months have passed -- and petitioner
24 has not complied with the Court's order. Therefore, petitioner's action shall be dismissed
25 without prejudice.

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IT IS THEREFORE ORDERED that the Clerk shall **FILE** and docket petitioner's habeas petition (received January 2, 2008).

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** for petitioner's failure to obey this Court's order of January 9, 2008. The Clerk shall **ENTER JUDGMENT** accordingly.

DATED this 16th day of April, 2008.


UNITED STATES DISTRICT JUDGE